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9 *Attorneys for Defendants Bernard McPheely,*  
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11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 THEODURUS STROUS,  
14 DERIVATIVELY ON BEHALF OF SCIO  
15 DIAMOND TECHNOLOGY CORP.,

16 Plaintiff,

17 v.

18 BERNARD MCPHEELY, KARL  
19 LEAVERTON, GERALD MCGUIRE,  
20 LEWIS SMOAK, ADAMAS ONE CORP.  
21 and JOHN G. GRDINA,

22 Defendants,

23 and

24 SCIO DIAMOND TECHNOLOGY  
25 CORP.,

26 Nominal Defendant.

Case No. 22-cv-00256-JCM-EJY

**ADDENDUM DECLARATION OF  
JOHN A. SULLIVAN IN SUPPORT OF  
DEFENDANTS' MOTION TO  
DISMISS PLAINTIFF'S SECOND  
AMENDED VERIFIED COMPLAINT**

27 John A. Sullivan, under penalty of perjury, deposes and states as follows:

28 1. I am an attorney with the law firm of Best and Flanagan LLP and am one of the  
lawyers representing Defendants Bernard McPheely, Karl Leaverton, Gerald McGuire and Lewis  
Smoak, in the above-entitled matter. I submit this declaration in support of Defendants' Motion  
to Dismiss Plaintiff's Second Amended Verified Complaint. I declare that all statements in this

1 declaration are true and correct, and are based on first-hand personal knowledge.

2 2. Attached hereto as **Exhibit I** is a true and correct copy of the Form 8-K filed on  
3 or about February 13, 2019, obtained through the SEC's EDGAR system.

4 3. Attached hereto as **Exhibit J** is a true and correct copy of the Form 8-K filed on  
5 or about May 31, 2019 obtained through the SEC's EDGAR system.

6 I declare under penalty of perjury that everything I have stated in this document is  
7 true and correct.

8 Executed in Ramsey County, State of Minnesota on the 21st day of June, 2023.  
9

10  
11 /s/ John A. Sullivan

12 John A. Sullivan, Esq.

13 (Pro Have Vice)

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